

REMARKS

Reconsideration of this Application is respectfully requested. Claims 11-30 have been allowed by the Examiner. Claims 9, 10 and 33 are amended, and claims 1-8, 31 and 32 are cancelled, without prejudice or disclaimer. Claims 9, 10-30 and 33 remain in this case.

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Initially, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, on grounds of indefiniteness for reciting the limitation “the system” in the preamble (in line 4). According to the Examiner, there is insufficient antecedent basis for this limitation in the claim. Specifically, the Examiner asks, “Is that ‘the service broker system’ it refers to?”

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The Examiner then rejected claims 1-5, 8 and 31-32 under 35 U.S.C. § 102(b) as being anticipated by Pagé et al., U.S. Patent No. 5,329,619. In particular, regarding claim 1, the Examiner takes the position that Pagé et al. teach a service broker 14/service broker system (FIG. 2 and the Abstract) for interactive monitoring and control of data to and from computers and Internet enabled devices of a client/server system over the Internet for processing data from a data network (referencing managing of service requests from, and responsive services provided by, a plurality of clients and servers [communication via LAN or WAN] in the heterogeneous environment with implementation of TCP/IP Internet-enabled protocol – the Abstract, column 4, lines 23-41 and column 6, lines 19-36) including at least one data source, i.e., server 12 (citing FIG. 2 and the Abstract). Specifically, the Examiner continues, the system comprises: (i) a first communication module (i.e., initialization routine) for initiating communication with a moderator (or manager such as communication

manager/virtual store manager) and adapted to receive data from the moderator (e.g., establishing the broker environment, obtaining the necessary storage, initiating various control blocks, queues and tables, setting up a virtual address entry structure for the virtual storage manager, etc. – column 16, lines 26-39 and column 28, lines 41-52); (ii) a second communication module (i.e., dispatcher) for sending data to at least one of the data source and the moderator (namely, manager activating worker components and various managers and passing requests to the worker components for processing – column 16, lines 45-66); (iii) a service-action module (i.e., worker components) for processing the received data and for performing a task based on the processed data (i.e., processing participant requests – column 16, lines 40-44); and (iv) an export module (namely, part of worker components) in communication with the service-action module and for publishing data (i.e., sending data) based at least in part on the performed task to the data network (i.e., worker components consisting of all routines that deal with the various functions such as register, send, receive, etc. – column 16, lines 40-44). This, the Examiner asserts, suggests that after receiving data requests, worker components process the received data requests and then store and send/forward data request (i.e., publish data) to the server (data source – FIG. 6, the Abstract and column 16, lines 40-44).

Regarding claim 2, the Examiner argues that Pagé et al. teach that the published data is published to at least one of the data source and the moderator (i.e., after receiving data requests, worker components process the received data requests and then store and send/forward data request (publish data) to the server (data source) – FIG. 6, the Abstract and column 16, lines 40-44). With reference to claim 3, the Examiner asserts that Pagé et al.

further teach a moderator that includes a data store (i.e., managing the available storage and ensuring efficient use of the available storage in a changing environment – citing column 28, lines 47-52) and a first communication module receiving data from the data store (i.e., obtaining the necessary storage – column 16, lines 26-39). The Examiner further finds that Pagé et al. disclose a data store storing data received from the at least one data source as set forth in claim 4 (i.e., maintaining relevant information and parameters in several links data structure including control blocks, tables and queues – FIGS. 6, 7G and 8, column 19, line 59 to column 20, line 2, and column 45, line 64 to column 46, line 17).

Next, with regard to claim 5, the Examiner takes the position that Pagé et al. further teach that the data store is a command queue (i.e., message queues) and that the data received from the data source is a command intended to be processed by the service-action module (namely, a worker component – i.e., a worker queue structure that is used to pass requests to the worker components and worker components responsible for the processing of participant requests dealing with various functions such as register, send, receive, etc. – column 16, lines 40-44 and 66-67). The first communication module, says the Examiner, receives the command from the queue (i.e., maintaining relevant information and parameters in several links data structure including control blocks, tables and queues and message queues arranged as a linked list like the control blocks – FIGS. 6, 7G and 8, column 19, line 59 to column 20, line 2, column 23, lines 58-60 and column 45, line 64 to column 46, line 17).

Turning now to claim 8, the Examiner asserts that Pagé et al. teach a performed task that comprises communicating a command based at least in part on the processed data to a device connected to the service broker (i.e., worker components responsible for the

processing of participant requests dealing with various functions such as register, send, receive, etc. – FIGS. 6, 7G and 8, column 16, lines 40-44). Pagé et al. additionally teach, the Examiner continues, a first communication module (i.e., initialization routine) capable of handling a device identifier as set forth in Applicants' claim 31 (namely, establishing the broker environment, obtaining the necessary storage, initiating various control blocks, queues and tables, setting up a virtual address entry structure for the virtual storage manager, etc. – column 16, lines 26-39 and column 28, lines 41-52) as well as creating service control block (SCB) and conversation control block (CCB) including IDs (the Examiner referencing column 19, line 66 to column 20, line 65).

As for claim 32, the Examiner takes the position that Pagé et al. discloses a first communications module (i.e., initialization routine) capable of handling a class of device identifiers (namely, establishing the broker environment, obtaining the necessary storage, initiating various control blocks, queues and tables, setting up a virtual address entry structure for the virtual storage manager, etc. – column 16, lines 26-39 and column 28, lines 41-52 – and creating service control block (SCB) and conversation control block (CCB) including IDs (citing column 19, line 66 to column 20, line 65). Moreover, the Examiner indicates that such is a service broker system for clients and servers operating in a heterogeneous computing environment (referring to the Abstract and column 1, lines 9-11) and, thus, suggests that the first communication module (i.e., initialization routine) is capable of handling a class of device identifiers (i.e., multiple devices wherein each device has an ID).

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Next, the Examiner rejected claims 6-7 under 35 U.S.C. § 103(a) as obvious and, therefore, unpatentable over Pagé et al. in view of Jeske, U.S. Patent No. 5,974,443. According to the Examiner, with respect to claim 6, the Examiner acknowledges that Pagé et al. do not explicitly teach the first communication module in communication with the moderator via the HTTP protocol. However, says the Examiner, Pagé et al. does suggest the use of a client/server environment with TCP/IP protocol (citing column 1, lines 8-63). The Examiner then looks to Jeske which, he says, is in the same field of client/server network environment endeavors, and discloses the use of HTTP protocol as communication protocol between client and server (referencing FIG. 1 and column 2, line 54 to column 3, line 7). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate implementation of HTTP protocol for communicating between client and server, as allegedly set forth by Jeske, into the system of a service broker for processing data between client and server in a data network, as purportedly disclosed by Pagé et al., in order to enhance the system by extending the use of transaction and accessing information over the World Wide Web environment with a simple request/response command like URL.

With regard to claim 7, the Examiner admits that Pagé et al. does not explicitly teach the data source communicating with the moderator via the HTTP protocol. However, he asserts that Pagé et al. do suggest the use of a client/server environment with TCP/IP protocol (citing column 1, lines 8-63). He then looks to Jeske as, again, being in the same field of client/server network environment endeavor, and as disclosing the use of HTTP protocol as communication protocol between client and server (citing FIG. 1 and column 2,

line 54 to column 3, line 7). The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate implementation of HTTP protocol for communicating between client and server, purportedly set forth by Jeske, into the system of a service broker for processing data between client and server in a data network, as allegedly disclosed by Pagé et al., in order to enhance the system by extending the use of transaction and accessing information over the World Wide Web environment with a simple request/response command like URL.

Overall, the Examiner takes the position that the cited references teach or suggest the subject matter broadly recited in those of Applicants' independent claims that stand rejected. The corresponding dependent claims, the Examiner continues, are also rejected at least by virtue of their dependency on the independent claims and for other reasons set forth above. Accordingly, he says claims 1-8 and 31-32 only have been rejected.

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Finally, as for claims 11-30, they have been allowed by the Examiner. While claims 9-10 and 33 are objected to as being dependent upon a rejected base claim, the Examiner has determined that they too would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

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Regarding the Examiner's reading and application of the cited references, and with respect to the Examiner's reading of Applicants' Specification and Claims, Applicants maintain their position and respectfully incorporate by reference the arguments as set forth in the Amendment dated November 12, 2004.

In addition, while the Examiner asserts, in connection with the present Application, that “[t]here is no disclosure or suggestion of operation over Internet or Internet enabled devices...”, Applicants strongly disagree and respectfully state that such disclosure is innumerable as it is set forth with particularity throughout the Specification, from page 14, line 1 to page 25, line 30. See, for example, page 22, lines 5-15.

Moreover, Applicants maintain their position that Pagé et al. do not teach nor do they suggest a service broker system for interactive monitoring and control of data to and from computers and Internet enabled devices of a client/server system over the Internet. Pagé et al. is directed to communication between devices across a LAN or WAN. Applicants respectfully disagree that mere mention of suitability for use with a common interface protocol such as TCP/IP (and many other protocols) is tantamount to that reference teaching or suggesting interactive monitoring and control of data to and from computers and Internet enabled devices over the Internet, as set forth by Applicants’ claims (not to mention, systems utilizing the many other protocols mentioned by Pagé et al.).

Applicants reiterate, in this connection, that Pagé et al. cannot be read to suggest such an arrangement, we submit, as the Patent Application of Pagé et al. was filed in 1992, years before widespread proliferation of the Internet had yet occurred. To read and apply Pagé et al. to Jeske, we respectfully submit, is tantamount to a hindsight reconstruction.

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Notwithstanding the foregoing, claims 9, 10 and 33 are amended, without prejudice or disclaimer, and rewritten in independent form to include all of the limitations of the base claim, i.e., claim 1, intervening claim 8 (in the case of claim 10), and intervening claim 9 (in

the case of claim 33). Also notwithstanding the foregoing, claims 1-8, 31 and 32 are cancelled, without prejudice or disclaimer.


While Applicants' cancellation of claim 1 renders moot the Examiner's rejection of that claim under § 112, the amendments to the preamble and body of Applicants' claims 9, 10 and 33, consistent with and pursuant to the Examiner's rejection, include the language - - the *service broker* system comprising - - and - - service broker *system* - -, respectively, for proper antecedent basis, in order to better define the invention without limiting effect.

Withdrawal of the Examiner's rejections under §§ 112, 102 and 103 is, therefore, respectfully requested.

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Applicants have made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention prior to allowance, the Examiner is asked to contact Applicants' counsel at (646) 265-1468.

Respectfully submitted,



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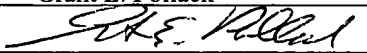
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on October 11, 2005

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